

House Bill 459 (AS PASSED HOUSE AND SENATE)

By: Representative Bridges of the 10th

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 2 of Title 47 of the Official Code of Georgia Annotated, relating to the Employees' Retirement System of Georgia, so as to provide that a member of such retirement system seeking a disability retirement shall make written application to the board of trustees; to provide that the board of trustees may request relevant information from a disability beneficiary; to provide a penalty for failure to provide such information; to provide for a reduction in disability allowance if the disability beneficiary is found to be earning more than the difference between the disability allowance and the earnable compensation used to calculate such allowance; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 2 of Title 47 of the Official Code of Georgia Annotated, relating to the Employees' Retirement System of Georgia, is amended by striking in its entirety Code Section 47-2-125, relating to reexamination of persons receiving disability benefits, effect of refusal to undergo examination, and effect of ability to engage in gainful employment, and inserting in lieu thereof the following:

"47-2-125.

(a) Once each year during the first five years following the retirement of a member on a disability retirement allowance and once in every three-year period thereafter, the board of trustees may require a disability beneficiary who has not yet attained retirement age as specified in subsection (a) of Code Section 47-2-110 to undergo a medical examination, such examination to be made at the disability beneficiary's place of residence or other place mutually agreed upon, by physicians designated by the medical board. The disability beneficiary may request such an examination. Should any disability beneficiary who has not yet attained retirement age refuse to submit to such medical examination, the pension of such disability beneficiary may be discontinued by the board of trustees until the withdrawal of such refusal; and should the refusal continue for one year, all rights of the

1 disability beneficiary in and to a pension may be revoked by the board of trustees. Should
2 the medical board report and certify to the board of trustees that a disability beneficiary is
3 engaged in or is able to engage in a gainful occupation paying more than the difference
4 between the disability beneficiary's retirement allowance and the earnable compensation
5 ~~the disability beneficiary was receiving~~ used to calculate the disability retirement allowance
6 at the time of retirement, the board of trustees may reduce the disability beneficiary's
7 pension to an amount which, together with the disability beneficiary's annuity and the
8 amount earnable by the disability beneficiary, equals the earnable compensation ~~the~~
9 ~~disability beneficiary was receiving~~ used to calculate the disability retirement allowance
10 at the time of retirement. Should the disability beneficiary's earning capacity be later
11 changed, the amount of the pension may be further modified, provided that the modified
12 pension shall not exceed an amount which, together with the disability beneficiary's
13 annuity and the amount earnable by the disability beneficiary, equals the earnable
14 compensation ~~the disability beneficiary was receiving~~ used to calculate the disability
15 retirement allowance at the time of retirement.

16 (b) The board of trustees may require a disability beneficiary who has not yet attained
17 retirement age as specified in subsection (a) of Code Section 47-2-110 to provide
18 information relevant to any provision of this chapter relating to his or her entitlement to
19 receive a disability retirement. Should any disability beneficiary who has not yet attained
20 retirement age refuse to submit any such information so requested, the board of trustees
21 may suspend the retirement allowance of such disability beneficiary until such information
22 is provided. Should the board of trustees receive information from any source that a
23 disability beneficiary is engaged in an occupation paying more than the difference between
24 the disability beneficiary's retirement allowance and the earnable compensation used to
25 calculate the disability retirement allowance at the time of retirement, the board of trustees
26 may reduce the disability beneficiary's pension to an amount which, together with the
27 disability beneficiary's annuity and the amount earnable by the disability beneficiary,
28 equals the earnable compensation used to calculate the disability retirement allowance at
29 the time of retirement. Should the disability beneficiary's earnings later be changed, the
30 amount of the pension may be further modified, provided that the modified pension shall
31 not exceed an amount which, together with the disability beneficiary's annuity and the
32 amount earnable by the disability beneficiary, equals the earnable compensation used to
33 calculate the disability retirement allowance at the time of retirement."

SECTION 2.

Said chapter is further amended by striking in its entirety subsection (a) of Code Section 47-2-221, relating to disability allowances payable to personnel for certain disabilities arising in the line of duty, and inserting in lieu thereof the following:

"(a)(1) Notwithstanding the disability allowance provided for in Code Section 47-2-123, any member in service of the Uniform Division of the Department of Public Safety, any conservation ranger of the Department of Natural Resources, any officer or agent of the Georgia Bureau of Investigation, and any alcohol and tobacco officer or agent of the Department of Revenue who, while a contributing member of this retirement system and upon becoming permanently disabled due to an act of external violence or injury incurred in line of duty, becomes eligible for disability retirement allowances shall, upon making written application to the board of trustees either personally or through his or her employer and after a medical examination and upon certification by the medical board that such member is, in their opinion, permanently disabled, be entitled to a monthly allowance as computed on the member's life expectancy without option. Such monthly allowance as shall be payable to the member only, during his or her life or length of disability, shall not exceed 80 percent of the service allowance that would have been payable to the member had he accumulated not more than 30 years of creditable service and had retired at age 65. Such allowance shall be computed on the basis of the member's monthly earnable compensation for the month in which his or her permanent disability occurred. Such permanent disability retirement shall apply regardless of the length of service of any such member; and such member shall be deemed to have acquired 30 or more years of creditable service. In addition, a member so disabled in the line of duty shall receive a monthly supplemental benefit which shall be in the amount of \$5.00 per month for each year of creditable service as a member of the Uniform Division of the Department of Public Safety, conservation ranger of the Department of Natural Resources, alcohol and tobacco officer or agent of the Department of Revenue, or as an officer or agent of the Georgia Bureau of Investigation. Such additional monthly supplemental benefit shall in no event exceed \$150.00 per month. Any other provision of law to the contrary notwithstanding, any member of the Uniform Division of the Department of Public Safety who retired prior to July 1, 1970, as a result of becoming permanently disabled due to an act of external violence or injury incurred in the line of duty and who was a member of the retirement system on the date of the injury or act of violence shall be entitled to and shall receive the monthly supplemental benefit provided for in this subsection.

(2) In lieu of the foregoing, any member so disabled in the line of duty shall be entitled to receive a minimum monthly disability retirement benefit equal to 2 percent of his or

1 her monthly earnable compensation for the month in which his or her permanent
2 disability occurred for each year of creditable service determined as though he or she had
3 continued in service in the Uniform Division of the Department of Public Safety, as a
4 conservation ranger of the Department of Natural Resources, as an alcohol and tobacco
5 officer or agent of the Department of Revenue, or as an officer or agent of the Georgia
6 Bureau of Investigation until his or her mandatory retirement age."

7 **SECTION 3.**

8 All laws and parts of laws in conflict with this Act are repealed.